

Exhibit No. 7Date 2-7-07Bill No. SB-96

Madame Chair and members of the committee:

My name is Becky Stockton and I reside in Helena, Montana. I am against SB 96 as it is written. I'm sorry that I am not present for this hearing but our son who is a Marine is coming home from deployment from Iraq and we are presently in North Carolina for his welcoming home ceremony.

There are several items I want to address in this proposed bill. First, I gave this committee a large set of documents on SB 80 four weeks ago that also relate to SB 96 and I would like you to refer to them; I new I would not be present for this hearing and that is why I presented the information to you during SB 80.

On page 7, Section 5, 2a I would like to ask how are we going to determine how long an individual has to live in Montana in order to become a resident so that the petition gatherer can gather signatures? I ask this question because I am very aware that a Great Falls judge threw out more than 140,000 signatures by Montana legal voters who wanted their signatures counted on those three initiatives. The judge justified this because he was lead to believe that the addresses were not valid on the affidavits. I find it amazing that not one of those addresses where tested with a simple certified letter to determine their validity.

Please refer to my previous testimony and copies of affidavits on 7 signature gatherers on I - 153 (the Governors Initiative to restrict Legislators from lobbying within a 2 year period after retiring from office that was carried by a group called Montanans for Clean Government) were not only from out of state, but were also hired to get John Tester elected. I did an internet search on all the signature gatherers on this initiative and found that all of them resided in Montana except for these seven petition signature gatherers. Their names are Carrie Glenn, Annalee Gulley, Brandon Pinette, Jonathan Shapiro, Erika Starr, Erin Taylor-George and Neil Yoke. They all have documented on their affidavits that they reside in Montana but when doing this research I discovered that their legal resident address was fraudulent. I first located this web site; [www.opensecrets.org](http://www.opensecrets.org) that had all the signature gatherers names and the amount of payment they received each month during the petition gathering and during Jon Tester's campaign. This web site gleams the information off of the Federal Election Commission web site. I then proceeded to FEC web site and found all the signature gatherers addresses and their disbursement for services. This is where I discovered that these seven petition gatherers had permanent addresses outside the state of Montana. This is all documented in the exhibits I presented to you on SB 80. One of the seven petition gatherers did receive his disbursement check at his affidavit address but upon my internet research I found his blog which proved that he is not a legal Montana resident also. The blog is another exhibit I entered into the record on SB 80. Carrie Glenn was the first signature petition gatherer who moved here in March and the initiative was certified to start gathering signatures on April 2, 2006. Since Carrie arrived sometime in March, does one month prior to gathering signatures justify her as a resident? There is no statue in this bill that requires how long an individual needs to reside in Montana to be able to require residency to gather signatures for a ballot initiative. I also think that having a restriction on who

gathers signatures is a freedom of speech issue. I remember back on one election that there was a big fuss about a certain political party having their campaign materials printed out of state instead of in state because it was cheaper. After that election, no one entered a bill to mandate candidates to have their campaign materials printed in our state. This is the same principle being applied here. This bill is violating the person or groups who bring forward the initiative's freedom of speech. Employers hire people from other states, even other countries because they can not find qualified people within the state to do the work. Out of state signature gatherers have no vested interest in passing the initiatives, they just are hired to do a job and they are there to perform that job. And if the person who is the heading up the initiative wants to encourage that individual to work harder by paying by the # of signatures, then that individual shall have the right to do that.

In this same section, on 2 b, which is on page 7, line 27, I have grave concerns with wage fixing and having the state government put a cap on wages. I believe that this is highly unconstitutional and it is very dangerous. I have strong doubts that this would survive federal constitutional challenges and I also personally think that it is a violation of our free speech. Individuals work harder if paid by the number of signatures or by the number of sales they make. Take for example a clothing retailer. They pay their employees extra money according to how many items they sale, the same goes for an insurance rep., car salesmen, large machinery implement companies and many other reputable professions. When you start price fixing for one area it leads to doing that to other professions in fact the setting of the minimum wage is not constitutionally founded in either constitution so this would be illegal and shouldn't stand up in a court of law. The job market in this country and in our state sets the minimum wage and not the government or the voters of Montana.

On page 11, line 10 through 12; who should be doing a thorough investigation of this? Has anyone been prosecuted for doing as such? The reason I mention this we discovered in our research that one of the signature gatherers for **I - 153** signed the petition, not once but twice; knowing full well that she was not a permanent resident of the state of Montana. Thankfully for us, the county election administrator threw out both of her signatures because she was not a registered voter.

Another item to note is the next subsection (e) on line 13 through 14 which will make a legal resident of Montana signature not count because they changed their address and did not know that they needed to update their registration election voter card prior to signing a petition initiative. They also need to do this in person and that the election administrator should send a certified letter to that address to confirm that it is their permanent address. Since I am a chief election judge in Lewis and Clark County, the most common change is the voter's addresses. The registered voter changes it during the election and not prior to signing a ballot issue, so a lot of signatures could be challenged on the ballot initiative because people have not changed their addresses prior to signing the petition.

Also in this same section, line 17, where it mentions "the signer may provide the signer's post office address." In our research we discovered one petition had approximately 20 signatures with the same P.O. address and the election administrator accepted all of them. I assumed it probably was a nursing or retirement home with that many voters having mail delivered to the same P.O. Box. I see this as a potential way for fraud, so I would suggest putting into statute that each voter needs to have a permanent address to verify their residency. According to the Patriot Act, the government has assigned permanent addresses to everyone, so these voters have an physical address available and they should use them. This would prevent fraud.

On page 14, Section 13 the words "or assisted in gathering" needs to be eliminated on the affidavit so that there is no confusion as to who actually collected the signatures. It needs to match what the district court decision decided which was upheld by the Montana Supreme Court.

On page 18, line 29, subsection 4, this new section scares me and surely would be abused by the political parties. This could be made as a partisan attempt as to what initiative, referendum or constitutional issue would make the ballot. The attorney general could continually revise the petition form, so that each time the petition gatherers who have already started gathering signatures, their signatures would be thrown out each time so that the process would be severely delayed or they could not collect enough signatures before the deadline for the initiative to qualify for the ballot.

A new section that I would like to put into statute is if an initiative has been challenged and a judge makes law on the bench or redefines a word; then all initiatives that have been certified for the ballot needs to be reviewed to see whether or not they are also in violation of the same fraudulent procedures. As in this case, the research my daughter and I did, both on I - 151 and I - 153 should have been thrown off the ballot too. One initiative violated the "assisted in gathering" section and the other had fraudulently signed their affidavits. This entered into statute would make the process applied fairly to all, if the law changes in the middle of the ballot initiative process.

**In summary,**

- 1. If fraud is found prosecute the individual. Don't just talk about.**
- 2. Eliminate the words "assisted in gathering", so that each individual gathering signatures is responsible "to and for" the individual petition signers.**
- 3. It needs to put into statute the definition of address for the signature on affidavits attesting to who gathered the signatures, as "the place U.S. certified mail can be delivered".**
- 4. The state should not start wage fixing, capping private citizens income is always bad policy. These limitations are subject to federal court challenges, do to the limitations on first amendment free speech rights. This is very unlikely to stand up in federal court. We need transparency in reporting instead.**
- 5. Clearly define what residency is for the signature gatherer.**
- 6. All ballot issues need to be handled without political bias.**

**I am not in support of SB 96 as written. Please do not consider this bill.**

Becky Stockton  
1430 Boston Road  
Helena, Mt. 59602